

Claimant alleged he injured his left hip, back, and left knee on or about July 24, 1996, when he slipped on a ladder and fell approximately four feet. Although claimant had previously fractured his left hip in a 1969 automobile accident, claimant testified he fully recovered from those injuries and his hip and back were both asymptomatic before the July 1996 incident.

In addition to his testimony, claimant also introduced two letters from Dr. Mills who examined claimant in November 1996 and indicated claimant's present symptoms were causally related to the July 1996 work-related incident.

Based upon the above evidence, the Appeals Board agrees with the findings by the Administrative Law Judge that claimant sustained personal injury by accident arising out of and in the course of employment with respondent on or about July 24, 1996, and that claimant's present need for medical treatment is related to that accident. Respondent's contention that claimant's symptoms may be related to the natural consequences of the 1969 automobile accident is not supported by the record at this time.

Both claimant and respondent requested the Appeals Board to review the Administrative Law Judge's order of temporary total disability benefits. Respondent contends those benefits should be denied. Claimant contends their commencement date should be earlier than that ordered. Because the finding regarding temporary total disability benefits is not one of the jurisdictional issues listed in K.S.A. 1996 Supp. 44-534a, and because the Administrative Law Judge has the authority to order payment of those benefits under the preliminary hearing statute, the Appeals Board lacks the authority to review that issue at this juncture of the proceeding.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated January 21, 1997, entered by Administrative Law Judge John D. Clark, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of March 1997.

BOARD MEMBER

c: James R. Roth, Wichita, KS
Larry Shoaf, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director